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8
9 UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11

12 XOCHITL HERNANDEZ,
CESAR MATIAS, for themselves
13 and on behalf of a class similarly-
situated individuals,

14 Plaintiffs-Petitioners,

15 v.
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17 JEFF SESSIONS, U.S., Attorney
18 General, et al.,

19 Defendants-Respondents.
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CIVIL ACTION NO. 5:16-00620-JGB-KK

DISCOVERY MATTER

**(1) PLAINTIFFS' NOTICE OF
MOTION AND MOTION TO
COMPEL CERTAIN RESPONSES TO
PLAINTIFFS' FIRST SETS OF
REQUESTS FOR PRODUCTION AND
INTERROGATORIES;**

Filed Under Separate Cover

**(2) JOINT STIPULATION (WITH NO
RESPONSE FROM DEFENDANTS
PROVIDED); and**

**(3) DECLARATION OF DOUGLAS A.
SMITH**

Date: December 7, 2017

Time: 10:00 a.m.

Judge: The Honorable Kenly Kiya Kato

Discovery Cutoff Date: April 27, 2018

Pretrial Conference Date: August 13, 2018

Trial Date: August 28, 2018

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1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on December 7, 2017, at 10:00 a.m. PT, or as
3 soon thereafter as the matter may be heard, in Courtroom 3 or 4 of the above-
4 referenced Court, located at 3470 Twelfth Street, Riverside, CA 92501, Plaintiffs
5 Xochitl Hernandez and Cesar Matias, for themselves and on behalf of a certified
6 class of similarly situated individuals (“Plaintiffs”), will move for an order
7 compelling certain responses to Plaintiffs’ First Sets of Requests for Production and
8 Interrogatories.

9 Pursuant to Local Rule 37-2.2, Plaintiffs’ counsel served its portion of the
10 joint stipulation on counsel for Defendants on October 26, 2017. Defendants’
11 counsel did not return Defendants’ portion of the joint stipulation by the parties’
12 agreed upon deadline of November 8, 2017, which provided nearly double the
13 amount of time Defendants would otherwise have had under Local Rule 37-2.2 to
14 serve their portion of the joint stipulation on Plaintiffs. Accordingly, Plaintiffs are
15 filing the joint stipulation signed only by counsel for Plaintiffs and without any
16 response from Defendants or the signature of Defendants’ counsel. In connection
17 with this Motion, Plaintiffs have filed a declaration meeting the requirements of
18 Local Rule 37-2.4 pertaining to the “Failure to File Joint Stipulation.”

19 The motion is based on this Notice of Motion, the Declaration of Douglas A.
20 Smith in Support of Plaintiff’s Motion to Compel and corresponding exhibits, the
21 Joint Stipulation with no response from Defendants provided, all the pleadings and
22 papers filed in this action, and upon such other and further oral or documentary
23 evidence as may be presented to the Court at or prior to the hearing on the motion.

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1 DATED: November 9, 2017

2 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

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4 By: /s/ Douglas A. Smith
5 Douglas A. Smith

6 Attorney for Plaintiffs Hernandez and Matias, and a
7 certified class of similarly situated individuals
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